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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,482	12/20/2001	Stephanie Wai Man Shiu	36691-00002	5484

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EXAMINER

TSIDULKO, MARK

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 02/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/029,482

Applicant(s)

SHIU, STEPHANIE WAI MAN

Examiner

Mark Tsidulko

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☒ Claim(s) 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims **1- 7, 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Guerrieri et al. (US 2002/0084890) in view of Macek (US 6,394,622).

1. Referring to Claims **1, 3, 4, 18** Guerrieri et al. disclose (page 6, [0055]) a plurality of light sources which can be LEDs, an incandescent bulb or any other lighting means known in the art alone or in combination ([0055], lines 1-5), a control circuit for controlling illumination (page 2, [0029]) and a push button switch [22] (page 2, [0029]).

Guerrieri et al. disclose the instant claimed invention except for a housing for directing the beam of light.

Macek discloses a flashlight having a housing [11] for directing the beam of the light.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the housing as taught by Macek for device of Guerrieri et al. for purpose of changing direction of the light beam.

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2. Referring to Claim **2** since the device of Guerrieri et al. includes combination of LED and incandescent bulb it is well known in the art that LED and incandescent bulb have different levels of power consumption.

3. Referring to Claims **5, 6, 13** Guerrieri et al. disclose a lighting device that utilizes a programmable chip means which is programmed to a desired set of logic. The result is an illumination device that is capable of responding to a multitude of stimuli, such as mechanical push button, magnetic fields or other phase changing stimulus either alone or in a combination. After receiving and interpreting the stimulus, the lighting device determines appropriate levels and periods of illumination (page 2, [0018]).

4. Referring to Claims **7, 12** Guerrieri et al. disclose lighting device wherein the circuit is a counter (page 2, [0027]).

5. Referring to Claims **10, 19** Guerrieri et al. disclose the instant claimed invention except for a three-position rock switch.

This type of switch is well known in the art. Using of three-position switch let to obtain additional operating position except regular ON/OFF positions.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the three-position rock switch for the device of Guerrieri et al. on order to obtain an additional position for operation of the control circuit.

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6. Referring to claims **11, 17** Guerrieri et al. disclose (page 6, [0055]) a plurality of light sources which can be LEDs, an incandescent bulb or any other lighting means known in the art alone or in combination ([0055], lines 1-5), a control circuit for controlling illumination (page 2, [0029]) and a push button switch [22] (page 2, [0029]). Each activation of the switch causes the multi-state electronic device to advance to a one of the plural states which causes a different combination of the light sources to illuminate (page 2, [0029]; page 3, [0037]; page 5, [0049], [0050]).

Guerrieri et al. disclose the instant claimed invention except for hand-sized body configured to direct light from the plural light sources.

Macek discloses a flashlight having body (housing) [11] configured to direct light from the plural light sources.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the device of Guerrieri et al. with hand-sized body as shown by Macek for purpose of securing and protection the light device from a damage.

7. Referring to claims **14, 15** Guerrieri et al. disclose (page 6, [0055]) a plurality of light sources which can be LEDs, an incandescent bulb or any other lighting means known in the art alone or in combination ([0055], lines 1-5). It is well known in the art that the LED and the incandescent bulb have different brightness.

Claims **8, 9, 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Guerrieri et al. and Macek as applied to claim **1** above, and further in view of Wojnarovski et al. (US 6,412,971).

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8. Referring to claims **8, 16** Guerrieri et al. and Macek disclose the instant claimed invention except for at least one of the light sources is covered by a lens that does not cover at least one of the light sources.

Wojnarovski et al. disclose a lighting device having a plurality of lenses [64] with each lens being situated over a respective one of the LEDS. Light source can be used to form one or more cuts or otherwise create one or more specific patterns in the lenses to aid in focusing and light distribution control (col.5, lines 46-49).

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the device of Guerrieri et al. and Macek having at least one light source covered by a lens that does not cover at least one other light source, as taught by Wojnarovski et al. for purpose of using the light sources independently and in a various combinations.

9. Referring to claim **9** it is understood for Examiner that flashlight will work without changing the functionality if lens or lenses cover any desired combination of the light sources, but by Examiner's opinion, if lens covers LEDs only, uncovered incandescent bulb is unsaved from a damage.

Allowable Subject Matter

10. Claim **20** is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims because the prior art of record fails to show that depressing the switch to one side causes a

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characteristic of a resulting light beam to change in one direction and depressing the switch to an other side causes characteristic of a resulting light beam to change in opposite direction.

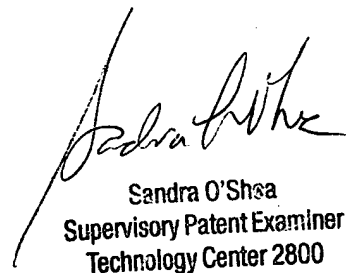
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Tsidulko whose telephone number is (703)308-1326. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (703) 305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703)872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

M.T.
February 19, 2003



Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800